

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Bakha Yawuti El,)	Case No. 4:22-cv-00997-JDA
)	
Plaintiff,)	
)	
v.)	<u>OPINION AND ORDER</u>
)	
City of Myrtle Beach; City of Myrtle)	
Beach Police Department; David)	
Giosa; L Boyles; Amy Sutter; Joi)	
Page; Brenda Bethune; Jennifer)	
Peters-Wilson; John Scott Long; M.)	
Winners; State of South Carolina,)	
)	
Defendants.)	

This matter is before the Court on a pro se Complaint filed by Plaintiff Bakha Yawuti El. [Doc. 1.] In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2), D.S.C., this matter was referred to United States Magistrate Judge Molly H. Sherry for pre-trial proceedings.

On March 14, 2024, the Magistrate Judge issued a Report and Recommendation (“Report”) recommending that Defendants City of Myrtle Beach, City of Myrtle Beach Police Department, Amy Sutter, Joi Page, Brenda Bethune, Jennifer Peters-Wilson, John Scott Long, and the State of South Carolina be dismissed from the action and the Amended Complaint be served on Defendants David Giosa, L. Boyles, and M. Winners. [Doc. 43.] The Magistrate Judge advised Plaintiff of the procedures and requirements for filing objections to the Report and the serious consequences if he failed to do so. [*Id.* at 17.] On March 26, 2024, Plaintiff moved for an extension of time to file objections to the Report [Doc. 45], which the Court granted [Doc. 48]. On April 29, 2024, Plaintiff moved

for a second extension of time to file objections. [Doc. 50.] The Court granted this motion but ordered that no further extensions will be granted absent exigent circumstances. [Doc. 51.] Plaintiff has filed no objections to the Report and the time to do so has lapsed.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *See Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a de novo determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The Court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b). The Court will review the Report only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” (internal quotation marks omitted)).

The Court has reviewed the record in this case, the applicable law, and the Report of the Magistrate Judge for clear error. Having done so, the Court accepts the Report and Recommendation of the Magistrate Judge and incorporates it by reference. Accordingly, Defendants City of Myrtle Beach, City of Myrtle Beach Police Department, Amy Sutter, Joi Page, Brenda Bethune, Jennifer Peters-Wilson, John Scott Long, and the State of South Carolina are DISMISSED and Plaintiff is directed to serve the Amended Complaint on Defendants David Giosa, L. Boyles, and M. Winners.

IT IS SO ORDERED.

s/ Jacquelyn D. Austin
United States District Judge

June 6, 2024
Florence, South Carolina

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.